

Summary of Suggested Amendments to O-1-04

The following is a summary listing of the suggested amendments to date organized by major or minor amendments. Minor amendments are essentially typographical errors. Please refer to the "Amendment Tracking" document for their sources and status.

You will notice that each amendment is assigned a letter. This is for identifying the proposed amendments as they arise. Eventually, all the amendments will be ordered and numbered by John Spencer, the Legislative Specialist. To avoid confusion, letters will be used up to that point.

Major Amendments

Amendment A *[The Board of Appeals is currently established in two different places in the City Code. Sections 2.48.050 through 2.48.100 provides some general guidance in how this Board is to function, while Section 21.88.020 provides more detailed guidance, but it is all focused on the zoning process. Outside of Title 21, there are 19 other references where appeals are to be made to the Board of Appeals including carnivals, Markethouse, swimming pools, towing, and design standards. The purpose of this amendment is to delete all references to Board of Appeals in Title 2 and make Section 21.08.040 consistent with both current practice and Section 4.07 of Article 66B of the Annotated Code of Maryland. This amendment would also provide for the appointment of alternate members since the Board has had difficulty achieving a quorum.]*

On page 1, in line 25, insert the following:

“BY repealing in its entirety
 Section 2.48.050
 Section 2.48.060
 Section 2.48.070
 Section 2.48.080
 Section 2.48.090
 Section 2.48.100
 Code of the City of Annapolis
 (1996 Edition and Supplement)”

and

On page R-1, after line 27, insert the following:

“Chapter 2.48

BOARDS, COMMISSIONS AND COMMITTEES*

Sections:

2.48.00A **Editor's note to Chapter 2.48.**
2.48.00B **Article I. Commission on Aging**
2.48.010 **Established--Purpose--Organization.**
2.48.020 **Powers and duties generally.**
2.48.030 **Liaison--Program initiation.**
2.48.040 **Meetings.**
2.48.050 **~~Established.~~**
2.48.060 **~~Jurisdiction and authority.~~**
2.48.070 **~~Rules.~~**
2.48.080 **~~Judicial review.~~**
2.48.090 **~~Public notices.~~**
2.48.100 **~~Application fee.~~**

1	2.48.109A	Article III. Data Processing Committee
2	2.48.110	Established.
3	2.48.120	Composition.
4	2.48.130	Duties.
5	2.48.139A	Article IV. Human Relations Commission
6	2.48.140	Composition.
7	2.48.150	Officers--Rules.
8	2.48.160	Powers.
9	2.48.169A	Article V. Recreation Advisory Board
10	2.48.170	Composition.
11	2.48.180	Officers--Bylaws--Annual report.
12	2.48.190	Duties.
13	2.48.199A	Article VI. Risk Management Committee
14	2.48.200	Established.
15	2.48.210	Composition.
16	2.48.220	Duties.
17	2.48.229A	Article VII. Maritime Industry Advisory Council
18	2.48.230	Established.
19	2.48.240	Composition and terms.
20	2.48.250	Duties.
21	2.48.259A	Article VIII. Self Insurance
22	2.48.260	Establishment of self insurance fund.
23	2.48.270	Maintenance of monetary reserve.
24	2.48.280	Management.
25	2.48.290	Risk management responsibilities.
26	2.48.300	Self insurance fund committee.
27	2.48.310	Immunity.
28	2.48.320	Transportation board.
29	2.48.330	Environmental Commission Established.
30	Section 2.48.00A Editor's note to Chapter 2.48.	
31	*Editor's Note: This chapter encompasses provisions on a selected group of	
32	boards, commissions and committees. Others are established by the following	
33	provisions:	
34		
35	Alcoholic beverage control board	§ 7.12.030
36	Board of Appeals	§ 21.08.040
37	Board of canvassers	Ch. 4.32
38	Board of supervisors of elections	Ch. 4.08
39	City council committees	Ch. 2.16
40	Civil service board	§ 3.12.040
41	Disability retirement board	§ 3.36.175
42	Ethics commission	§ 2.08.030
43	Historic district commission	§ 21.62.040
44	Housing and community development committee	§ 21.88.040
45	Medical review board	Ch. 3.28
46	Parking and traffic advisory board	§ 12.08.070

1	Performance review	Ch. 2.60
2	Planning and zoning commission	§ 21.88.030
3	Plumbing board	§ 17.28.130
4	Police and fire retirement plan commission	§ 3.36.280
5	Transportation advisory board	§ 2.44.040

6
7 **~~Section 2.48.050 — Established.~~**

8
9 ~~There is created a board of appeals. The board of appeals shall consist of~~
10 ~~five members who shall be residents and registered voters of the city and who~~
11 ~~shall serve without compensation. The term of office of the members of the board~~
12 ~~shall be three years. They shall be appointed by the mayor, confirmed by the city~~
13 ~~council and removable for cause, upon written charges, and after public hearing.~~
14 ~~Vacancies shall be filled for the unexpired term of any member whose term~~
15 ~~becomes vacant.~~

16
17 **~~Section 2.48.060 — Jurisdiction and authority.~~**

18
19 ~~In addition to such jurisdiction and authority as may be granted to the~~
20 ~~board by Article 66B of the Annotated Code of Maryland and Title 21 of this code,~~
21 ~~the board of appeals shall have other jurisdiction and authority as may be~~
22 ~~granted to it from time to time by ordinance of the city council.~~

23
24 **~~Section 2.48.070 — Rules.~~**

25
26 ~~The board may adopt rules as it deems necessary to govern the conduct~~
27 ~~of its proceedings in addition to rules as it may adopt pursuant to the provisions~~
28 ~~of Title 21 of this code.~~

29
30 **~~Section 2.48.080 — Judicial review.~~**

31
32 ~~All decisions and findings of the board, after public hearing, are final~~
33 ~~administrative decisions and are subject to judicial review as may be authorized~~
34 ~~by law.~~

35
36 **~~Section 2.48.090 — Public notices.~~**

37
38 ~~Except as otherwise provided by law, the board of appeals shall provide~~
39 ~~public notice of any hearing by publication in at least one newspaper of general~~
40 ~~circulation in the city not less than seven days prior to the hearing.~~

41
42 **~~Section 2.48.100 — Application fee.~~**

43
44 ~~Except where another amount is specified by law, any application, appeal~~
45 ~~from an administrative decision, or other action to the board of appeals shall be~~

1 subject to and accompanied by a fee as established by resolution of the city
2 council made payable to the director of finance. A fee paid pursuant to the
3 provisions of this section for the appeal of an administrative decision shall be
4 refunded if, at the conclusion of the proceedings before the board of appeals and
5 any subsequent judicial appellate proceedings related to the proceedings before
6 the board, the relief sought before the board of appeals is granted, and provided
7 the appellant has made application to the director of finance for the refund within
8 sixty days following the filing of the final decision.”

9
10 and

11
12 On page II-3, strike line 19 and all that follows through page II-4, line 16, and
13 substitute the following:

14
15 **Section 21.08.040 Board of Appeals.**

16
17 A. Establishment. There is created a Board of Appeals. The Board of
18 Appeals shall consist of five members who shall be residents and registered
19 voters of the City and who shall serve without compensation. The term of office
20 of the members of the Board shall be three years. They shall be appointed by the
21 Mayor, confirmed by the City Council and removable for cause, upon written
22 charges, and after public hearing. Vacancies shall be filled for the unexpired term
23 of any member whose term becomes vacant.

24
25 B. Alternate member. An alternate member may also be appointed by
26 the Mayor and confirmed by the City Council. The alternate member will sit on
27 the Board when any other member is absent. When the alternate member is
28 absent, the City Council may designate a temporary alternate. The alternate
29 member is subject to paragraph A above.

30
31 C. Powers and duties. The Board of Appeals shall have the following
32 powers and duties:

33 1. To hear and decide appeals, pursuant to the provisions of Zoning
34 Code Chapter 21.30 where it is alleged there is error in any order, requirement,
35 decision or determination made by an administrative official or body in the
36 enforcement of: (a) this Zoning Code; or (b) any ordinance adopted pursuant to
37 this Zoning Code.

38 2. To hear and decide applications for special exceptions pursuant to
39 Chapter 21.26 of this Zoning Code.

40 3. To hear and decide applications for variances from the terms of this
41 Zoning Code, pursuant to the provisions of Chapter 21.28.

42 4. To hear and decide applications for planned developments
43 pursuant to the provisions of Zoning Code Chapter 21.24.

1 5 To hear and decide applications for zoning district boundary
2 adjustments pursuant to the provisions of Zoning Code Chapter 21.20.

3 6. To hear and decide applications for change of nonconforming use
4 pursuant to the provisions of Chapter 21.68.

5 7. To hear and decide all matters referred to it or upon which it is
6 required to decide by any provision of the City Code, and as prescribed by Article
7 66B of the Annotated Code of Maryland.

8
9 D. Rules. The Board of Appeals shall adopt rules in accordance with
10 the provisions of this section and in accordance with the provisions of Article 66B
11 of the Annotated Code of Maryland. The Board shall adopt and amend rules as
12 follows:

13 1. After a public session to consider the proposed rules or
14 amendments, the Board shall adopt and periodically amend rules of practice and
15 procedure.

16 2. The Board shall give reasonable notice of the date, time, and place
17 of the public session and the category of rule or amendment to be considered at
18 the session.

19 3. After approval by the Board, the rules of the Board of Appeals shall
20 be published and shall be available to the public through the Department of
21 Planning and Zoning.

22
23 E. Meetings. The meetings of the Board of Appeals shall be held at
24 the call of the chair and at other time determined by the Board. The Board shall
25 provide public notice of any meeting by publication in at least one newspaper of
26 general circulation in the City not less than seven days prior to the meeting. The
27 chair or the acting chair may administer oaths and compel the attendance of
28 witnesses. All meetings shall be open to the public. The Board shall make a
29 transcript of all proceedings, showing the vote of each member on each question,
30 or the member's absence or failure to vote. The board shall immediately file the
31 transcript of its proceedings in the Office of Planning and Zoning. Each transcript
32 shall be a public record. If a recording or a transcript of a recording is not
33 prepared in the normal course of the Board's proceedings, the party who
34 requests a copy of the recording or its transcript shall pay the cost of preparing
35 the recording or transcript.

36
37 F. Except where another amount is specified by law, any application,
38 appeal from an administrative decision, or other action to the Board of Appeals
39 shall be subject to and accompanied by a fee as established by resolution of the
40 City Council made payable to the Director of Finance. A fee paid pursuant to the
41 provisions of this section for the appeal of an administrative decision shall be
42 refunded if, at the conclusion of the proceedings before the Board of Appeals and
43 any subsequent judicial appellate proceedings related to the proceedings before

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1 the board, the relief sought before the Board of Appeals is granted, and provided
2 the appellant has made application to the Director of Finance for the refund
3 within sixty days following the filing of the final decision.
4
5
6

1 **Amendment B** [This amendment deals with the table showing the summary of
 2 review and decision making authority in Title 21. It reflects keeping decision
 3 making authority for Planned Developments with the Board of Appeals. It also
 4 shows the appropriate appeals processes for Sign Permits, Stop Work Orders/
 5 Corrective Measures Orders, and Revocation of Permits.]

6

7 Page II-8

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
Administrative							
Administrative Adjustments	Decision			Appeal			
Administrative Interpretations	Decision			Appeal			
Change of Nonconforming Use	Decision			Appeal			
Demolition Permits (selected, per Chapter 21.14)	Decision			Appeal			
Determination of Nonconforming Use	Decision			Appeal			
Minor Site Design Plan	Decision			Appeal			
Use and Occupancy Permit	Review	Decision		Appeal			
Sign Permit	Review	Decision, pursuant to Chapter 17.60		Appeal			
Stop Work Order, Corrective Measures Orders		Decision, Appeals pursuant to Title 17					
Revocation of Permits		Decision Appeals pursuant to Title 17					
Planning Commission							
Business Planned Development	Review		Decision Recommendation	Appeal Decision			Appeal
Major Site Design Plan	Review		Decision	Appeal			
Residential Planned Development	Review		Decision Recommendation	Appeal Decision			Appeal

Type of Decision	Planning and Zoning Director	Director of Neighbor-hood and Environmental Programs	Planning Commis-sion	Board of Appeals	Historic Preser-vation Commis-sion	City Council	Circuit Court
Board of Appeals							
Appeal	Review			Decision			Appeal
Expansion of Nonconforming Use	Review		Recommen-dation	Decision			Appeal
Special Mixed Planned Development	Review		Recommen-dation	Decision			Appeal
Special Exception	Review		Recommen-dation	Decision			Appeal
Variance	Review			Decision			Appeal
Zoning District Boundary Adjustments	Review			Decision			Appeal
Historic Preservation Commission							
Certificate of Approval	Review				Decision		Appeal
City Council							
Zoning Map Amendment	Review		Recommen-dation			Decision	Appeal
Zoning Text Amendment	Review		Recommen-dation			Decision	Appeal

1 **Amendment C** *[The Director of Neighborhood and Environmental Programs was*
2 *incorrectly identified as the position making the decision to issue a use permit*
3 *when the person has a pending, unsatisfied, or unpaid citation for any municipal*
4 *infraction or misdemeanor. There was no intent to change this responsibility*
5 *from the Director of Planning and Zoning. Thus, this amendment would leave the*
6 *responsibility with P&Z.]*

7
8 On page II-17, in line 3, 21.12.020.D: strike "~~Neighborhood and Environmental~~
9 ~~Programs~~" and substitute "**Planning and Zoning**"

Amendment D *[The purpose of this amendment is to restore language inadvertently left out of O-1-04 relating to the issuance of Use Permits]*

Page II-17, line 29

21.12.040 Review Criteria

If the proposed use is in conformity with the provisions of this Zoning Code and all other applicable regulations, the Director of Neighborhood and Environmental Programs ~~may~~ **shall** issue a use and occupancy permit after the structure has passed all applicable final inspections by other city departments, including but not limited to building, electrical, mechanical and fire inspections.

Amendment E *[O-1-04 gives decision making authority for some types of Planned Developments to the Planning Commission. This amendment restores the decision making authority to the Board of Appeals on all Planned Developments. This amendment is by recommendation of the Planning Commission. A more extensive discussion of this can be found in the Planning Commission Findings and Recommendations dated March 12, 2004. It should be noted that this amendment language is not complete, as various references to the changed elements still need to be enumerated.]*

A. Authority to Approve. ~~The authority to approve planned developments shall be as follows:~~

- ~~1. The Planning Commission is authorized to decide applications for residential planned developments and business planned developments.~~
2. The Board of Appeals is authorized to decide applications for **all** ~~special-mixed~~ planned developments.

Page II-39, beginning at line 3, strike all text of 21.24.070. Refer to this section as "reserved". *[Note: The Planning Commission has expressed a desire to revisit the topic outside of the process for O-1-04. Thus, administratively, it makes sense to keep this number in reserve.]*

Page II-40, lines 22 and 23

21.24.080 Procedures for ~~Special-Mixed~~ Planned Developments

A. Application Procedures. All ~~special-mixed~~ planned development applications must be submitted to the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications. Applications must be submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals.

21.08.030.E.5 – change it here

Amendment F *[This amendment adds back in the provision that a development with an FAR over 2 must be a planned development. As a related measure, it also makes clear that the FAR limit is 2 in the C1, C1A, BR, C2, C2A, PM2, C2P, districts unless otherwise specified, due to the fact that planned developments are not allowed in those districts. Previously, this was not explicit. Other districts do not allow planned developments, but they already have FAR limits lower than 2.]*

Page III-3, Line 9, 21.38.030.E

E. Planned development required for buildings over 45 feet and/or FAR over 2. Unless otherwise specified in the development standards for an individual zoning district, no new building or existing building which is later altered, shall have a height in excess of 45 feet or contribute to a floor area ratio on its zoning lot greater than two unless the building is approved as a planned development in accordance with Chapter 21.24. As used in this section, "floor area ratio" shall be calculated by dividing the total floor area of the building or buildings on any zoning lot (including the area of any above-grade off-street parking or loading facilities included in the building or buildings) by the area of the zoning lot and without regard to "net site area" or "gross development area" as those terms are used in connection with planned developments and Chapter 21.24.

Page III-31, lines 27-29
21.44.030.C.2

2. Notwithstanding the regulations set forth in Section 21.38.030.E, approval as a planned development is not required for a building in the MX district solely because it has a height greater than 45 feet or an FAR in excess of 2.

Pages III-75, III-76, III-84, III-85, III-86, III-95, add FAR column listing the FAR as 2.

Page III-87 (Add FAR of 2 where no FAR is currently specified).

Amendment G *[This amendment restores a provision inadvertently left out of O-1-04 relating to Uses deemed conforming in the R2-NC (formerly RC Overlay in Eastport).]*

Page III-12, beginning at line 4 (21.40.060.E.1)

1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code, provided they were legally existing on November 19, 1990:
 - a. Single-family attached and detached dwellings, and
 - b. Nonresidential uses, except for uses listed in subsection E.2. of this section.
 - c. Multi-family units of five or fewer units.

Amendment H *[The following amendments are offered as corrections to the Critical Area section. Some are typo errors, while others correct errors that occurred in the translation to a new format. Note: after initial creation Legislative Specialist requested that they be separated.]*

Amendment H-1 *[Line refers to a section doesn't exist, buffers incorporated into another section.]*

Page IV-3, strike line 9.

Amendment H-2 *[Error in wording left out non-BEA buffers]*

Page IV-3, lines 30-31:

21.54.020 Map

The location and boundaries of the critical area overlay district and the included boundaries of the intensely developed areas, limited development areas, resource conservation areas, and ~~buffer exempt areas~~ **BEA buffer areas and non-BEA buffer areas** are set forth on the zoning map entitled "City of Annapolis Critical Area Map" which is incorporated in this section and made a part of this Zoning Code. The map, together with everything shown on the map and all amendments to the map, is as much a part of this Code as though fully set forth and described in this Code.

Amendment H-3 *[Section 17.09.080 is being incorporated into 17.09.070 by O-11-04.]*

On page IV-8, in line 10, strike "17.09.080E" and substitute "17.09.070" and
On page IV-9, in line 7, strike "17.09.08" and substitute "17.09.070"

Amendment H-4 *[As this regulation applies even when there is no subdivision, the titling and wording should reflect this, while keeping the language concerning subdivision as an element of the section]*

Page IV-8, beginning at line 12.

21.54.070 ~~Subdivision in~~ Buffer Exemption Areas

The state Critical Area Commission policy applies only to lots of record that existed as of December 1, 1985. ~~However, subdivision of grandfathered parcels may be permitted if the subdivision, consolidation, or reconfiguration of the parcels will result in an overall environmental benefit. Applications for subdivision in buffer exempt areas shall be approved by the Critical Area Commission. In no case shall the subdivision and the subsequent redevelopment result in a greater area of impervious surface in the buffer.~~

1 A. The review of the submission shall be based on the State of Maryland
2 Buffer Exempt Area Policy dated April 5, 2000.

3
4 B. All new construction, or enlargement of any structure in the Buffer Exempt
5 Area shall be subject to:

6 1. **Posting of Property.** At the time of submissions of plans, notice must be
7 posted for at least 14 days on the property that is the subject of the application in
8 a manner prescribed by the Planning and Zoning Director.

9 2. **Public Comment Period.** During the posting period, and for seven days
10 thereafter, the Planning and Zoning Director shall accept comments from the
11 public that are relevant to the proper consideration of the submitted plans.

12
13 C. Subdivision of grandfathered parcels may be permitted if the subdivision,
14 consolidation, or reconfiguration of the parcels will result in an overall
15 environmental benefit. Applications for subdivision in buffer exempt areas shall
16 be approved by the Critical Area Commission. In no case shall the subdivision
17 and the subsequent redevelopment result in a greater area of impervious surface
18 in the buffer.

19
20 **Amendment H-5** [*Two more sections follow, so "and" is not appropriate.*]

21
22 Page IV-12, line 25, delete "and"

23
24 **Amendment H-6** [*To correct numbering error*]

25
26 On page IV-18, in line 33, strike "7." and substitute "8." and

27 On page IV-19, in line 1, strike "8." and substitute "9." and

28 On page IV-19, in line 4, strike "9." and substitute "10." and

29 On page IV-19, in line 12, strike "10." and substitute "11."

Amendment I *[The lists of zoning districts in 21.06.010, 21.40, 21.42, have some inconsistencies in terms of the names of the districts. This amendment makes all lists consistent with each other.]*

On page I-7, beginning at line 8, amend 21.06.010 as follows:

21.06.010 Establishment of Zoning Districts

For the purpose of this Zoning Code the city is organized into the following zoning districts:

A. Residence Districts:

R1 Single-Family Residence
R1-A Single-Family Residence
R1-B Single-Family Residence
R2 Single-Family Residence
R2-NC Single-Family Residence Neighborhood Conservation
R3 General Residence
R3-NC General Residence Neighborhood Conservation
R3-NC2 General Residence Neighborhood Conservation 2
R3-R General Residence Neighborhood Revitalization
R4 General Residence
R4-R General Residence Neighborhood Revitalization
C1 Conservation Residence
C1A Special Conservation Residence

B. Commercial and Industrial Districts:

B1 Convenience Shopping
B2 Community Shopping
B3 General Commercial
B3-CD General Commercial Corridor Design
BCE Business Corridor Enhancement
BR Business Revitalization
C2 Conservation Business
C2A Special Conservation Business
PM2 Professional Mixed Office Park
I1 Light Industrial

On page III-6, beginning at line 1:

Chapter 21.40 Residential Districts

Sections

21.40.010 Regulations applicable to all residential districts
21.40.020 R1 Single-Family Residence district
21.40.030 R1-A Single-Family Residence district

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1 21.40.040 R1-B Single-Family Residence district
2 21.40.0560 R2 Single-Family Residence district
3 21.40.0650 R2 -NC Single-Family Residence Neighborhood Conservation
4 district-Neighborhood Conservation
5 21.40.070 R3 General Residence district
6 21.40.080 R3-NC General Residence Neighborhood Conservation
7 21.40.090 R3-NC2 General Residence Neighborhood Conservation 2 district
8 21.40.100 R3-R General Residence Neighborhood Revitalization district
9 21.40.110 R4 General Residence district
10 21.40.120 R4-R General Residence Neighborhood Revitalization district
11 21.40.130 C1 Conservation Residence district
12 21.40.140- C1-A Special Conservation Residence district

13
14 Page III-9, line 1

15 **21.40.20 R1 Single-Family Residence district**

16
17 Line 12

18 **21.40.030 R1-A Single-Family Residence district**

19
20 Line 23

21
22 **21.40.040 R1-B Single-Family Residence district**

23
24 Page III-10, Line 5

25
26 **21.40.050 R2 Single-Family Residence district**

27
28 Line 16

29
30 **21.40.060 R2-NC Single-Family Residence Neighborhood Conservation**
31 **district**

32
33 Beginning in line 18, continuing through 21.40.060, replace R2-Neighborhood
34 Conservation with R2-NC

35
36 Page III-12, Line 18

37
38 **21.40.070 R3 General Residence district**

39
40 Page III-13, Line 1

41
42 **21.40.080 R3-NC General Residence Neighborhood Conservation district**

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Beginning in line 3, continuing through 21.40.080, replace R3-Neighborhood Conservation with R3-NC

Page III-14, Line 7

21.40.090 R3-NC2 General Residence Neighborhood Conservation 2 district

Beginning in line 8, continuing through 21.40.090, replace R3-Neighborhood Conservation 2 with R3-NC2.

Page III-15, Line 31

21.40.100 R3-R General Residence Neighborhood Revitalization district

Beginning in line 33, continuing through 21.40.100, replace R3-R Revitalization with R3-R.

Page III-17, Line 1

21.40.110 R4 General Residence district

Line 13

21.40.120 R4-R General Residence Neighborhood Revitalization district

Beginning in line 15, continuing through 21.40.120, replace R4-R Revitalization with R4-R.

Page III-21, Line 7

21.42.050 B3-CD General Commercial Corridor Design district

Page III-23, Line 8

21.42.050 B3-CD General Commercial Corridor Design district

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- 1 **Amendment J** *[This amendment fixes a typographical error in the Special*
- 2 *Exceptions Chapter]*
- 3
- 4 Page II-47, line 24, strike "21.26.060" and substitute, "21.26.050".

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- 1 **Amendment K** *[This amendment corrects an incorrect reference]*
- 2
- 3 Page III-97 Bulk Regulation Table WMM District
- 4 Table Note #4 reference corrected as ~~21.46.020~~ 21.46.030

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Amendment L *[There is an error in the Height and Bulk Chart following section 21.56.170.]*

Page IV -30

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'
2	28'	28' 38'
3	35'	45'

Amendment M *[Change the word “should” to “shall” in order to make it mandatory]*

Page R-2, lines 1-3

Section 17.60.010.B

B. The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code, pursuant to Chapter 21.70. Chapter 21.70 contains additional regulations for signs that ~~should~~ **shall** be consulted together with the regulations in this chapter.

Amendment N *[While O-1-04 was pending, O-5-04 was passed. Changes made by O-5-04 are reflected in this amendment.]*

Amendment N-1

Page R-6, beginning at line 33

Section 17.60.160 Sign vViolations--Penalty.

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine **as established by resolution of the city council** ~~of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.~~ The failure of a property owner or tenant to comply with a violation correction order issued by the director constitutes a single violation for each day that noncompliance continues.

Amendment N-2 *[This section currently exists as Section 21.62.16.A. It was rewritten by O-5-04 in conjunction with the Fines Resolution while O-1-04 was still pending. Those changes need to be made in the renumbered Section 21.56.120.A.]*

Page IV-28, lines 18-25

21.56.120 Historic Preservation vViolations

A. Any person(s) who willfully performs or allows to be performed any work without first obtaining a certificate of approval, fails to comply with any final notice issued pursuant to this article, or disregards a decision of the Commission will be in violation of the provisions of this article. A violation of the article shall be deemed a municipal infraction as stated in the city code. Each and every day that the violation continues shall be deemed a separate offense. Violators may be assessed a fine **as established by resolution of the city council** ~~not to exceed 400 dollars~~ for each day that the violation continues.

Amendment N-3 *[This section currently exists as Section 21.92.010. It was rewritten by O-5-04 in conjunction with the Fines Resolution while O-1-04 was still pending. Those changes need to be made in the renumbered Section 21.56.120.]*

Page II-59, beginning at line 31

21.36.030 Planning and zoning infraction Penalty

A. A person who violates this Zoning Code is guilty of a misdemeanor and shall be fined by the Director of Neighborhood and Environmental Programs **as established by resolution of the city council** ~~not more than 500 dollars for any~~

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1 ~~single, initial violation and not to exceed 500 dollars for each repeat or continuing~~
2 ~~violation.~~

3 B. A person who violates any term, condition or provision of any certificate
4 of approval, plan, use permit, variance or other permit issued or approved
5 pursuant to this Zoning Code is guilty of a misdemeanor and shall be fined by the
6 Director of Neighborhood and Environmental Programs **as established by**
7 **resolution of the city council** ~~not more than 500 dollars for any single, initial~~
8 ~~violation and not to exceed 500 dollars for each repeat or continuing violation.~~

Amendment O *[This amendment shows the changes made by O-20-03 that were not reflected in the drafting of O-1-04. Also, the only change being made to this section by O-1-04 is to subsection B to correct the reference in the last sentence. Subsections A, C, D, and E are not affected so do not need to be reflected here.]*

On page 1, in line 24, strike "2.16.090" and substitute "2.16.090.B."

On page R-7, strike lines 21 through 32 and substitute the following:

Section 2.16.090.B

B. An ordinance or charter amendment shall be discharged without the necessity of a motion, from any committee to which it has been referred, one hundred twenty days (120) after the vote taken on first reading. The ordinance or charter amendment shall thereafter be placed on the agenda of each regular meeting until final action is taken with regard thereto the next regular meeting. Any ordinance not passed within one hundred thirty (130) days after its introduction shall fail, unless by an affirmative vote of the members it is extended for up to 31 additional days. The provisions of this subsection shall not apply to an ordinance referred to the planning commission pursuant to Chapter Title 21.8632.

9/16/2004

Amendment Q [This amendment deals with corrections to the Waterfront Maritime Zoning Districts Table of uses. The corrections are as follows:

- Add Yacht and Sailing Clubs for In-Water Boat Storage as a permitted use. It was incorrectly omitted.
- Clarifying that new on-land boat storage is prohibited in WMM and WME, per the current code.
- Delete a redundant reference to Boat Show management in A.7.m, as it is already covered in A.5.f.
- Restore Professional Office as a Special Exception Subject to Standards in the WMM.
- Add as permitted in the WMM Marine maps, magazines, catalogues and other publications; Maritime retail; Marine educational facilities; Marine museums and aquariums .]

Page III-49

Uses		Districts			
		WMC	WMM ⁵	WMF ⁵	WME
A. Maritime uses					
1. In-water boat storage:	a. Docks, slips, piers and other facilities at which boats are berthed, only in conjunction with other maritime uses	P	P		
	b. Docks, slips, piers and other facilities at which boats are berthed, in conjunction with other maritime uses		P	P	P
	c. Yacht and sailing clubs, and member services	P	P	P	P
	d. Sailing schools	P	P	P	P
2. On-land boat storage:	a. Open areas, paved or unpaved, and structures providing for on-land boat and marine equipment storage and display	P		P-Std	
	b. Open areas, paved or unpaved, and structures existing as of August 24, 1987 providing for on-land boat and marine equipment storage and display		P		P
	c. Structures existing as of August 24, 1987 providing for on-land boat and marine equipment storage and display		P		P
3. Boat repair and maintenance:	a. Vessel repair and maintenance	P	P	P	P
	b. Maritime engineer/mechanical repair	P	P	P	P
	c. Boat, yacht and watercraft haul-out facilities and maintenance operations	P	P	P	P
	d. Fuel storage and refueling facilities for marine craft	P	P	P	P
	e. Accessory on-land material storage	P	P	P	P
4. Marine fabrication:	a. Sail and canvas accessory manufacture	P	P	P	P
	b. Spar and rigging construction	P	P	P	P
	c. Maritime carpentry	P	P	P	P
	d. Construction and laying up of marine molds	P	P	P	P
	e. Metal casting for marine use	P	P	P	P
	f. Marine industrial welding and fabrication	P	P	P	P
5. Maritime services: functions necessary to serve in-water and	g. Boat manufacture	P	P	P	P
	a. Boat dealers, brokers and manufacturers' representatives	P	P	P	P

Uses		Districts			
		WMC	WMM ⁵	WMI ⁵	WME
on-land boat storage and working boatyards, including, but not limited to:	b. Boat rentals, charters, and charters services	P	P	P	P
	c. Marine parts, supplies, accessory distributors	P	P	P	P
	d. Marine transportation and water taxis	P	P	P	P
	e. Marine documentation	P	P	P	P
	f. Boat show management and promotion	P	P	P	P
	g. Nautical component servicing	P	P	P	P
	h. Yacht designers	P	P	P	P
	i. Marine surveyors	P	P	P	P
6. Maritime retail: display, sale and storage of marine parts, supplies, accessories, and provision of other goods including, but not limited to:	a. Marine hardware	P	P	P ¹	P ^{1,2}
	b. Fishing tackle	P	P	P ¹	P ^{1,2}
	c. Marine chandleries	P	P	P ¹	P ^{1,2}
	d. Yacht furniture	P	P	P ¹	P ^{1,2}
	e. Marine maps, magazines, catalogues and other publications		P		P ^{1,2}
	f. Maritime retail		P	A-Std	A-Std
7. General maritime: general office and research functions contributing to maritime activities including, but not limited to:	a. Marine salvage, testing, research and environmental services	P	P		
	b. Marine salvage, testing, and environmental services				P ^{1,2}
	c. Maritime associations	P	P		P ^{1,2}
	d. Oceanographic laboratories and experimental facilities	P	P		P ^{1,2}
	e. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P	P		P ^{1,2}
	f. Tugboat, vessel towing services, fireboat, pilotboat, harbormaster and similar services	P	P		P ^{1,2}
	g. Specialized professional services to the maritime industry	P	P		P ^{1,2}
	h. Marine transport operations, including shipping offices	P	P		P ^{1,2}
	i. Marine photography, printmaking and chart-making	P	P		P ^{1,2}
	j. Yacht and sailing club offices	P	P		P ^{1,2}
	k. Yacht finance	P	P		P ^{1,2}
	l. Maritime service organizations		P		P ¹
	m. Boat show management				P²
8. Maritime institutions:	a. Marine educational facilities	P	P		P ²
	b. Marine museums and aquariums	P	P		P ²
	c. Maritime service organizations	P	P		
9. Seafood industrial:	Landing, distribution, processing, brokerage, wholesale and retail sales of fish and shellfish		P	P	P
B. Other uses:					
Accessory uses		A	A		
Antenna towers				P-Std, S-Std	
Antennas and amateur radio stations		A-Std	A-Std	A-Std	A-Std

Uses		Districts			
		WMC	WMM ¹	WMI ²	WME
Delicatessen				A-Std	A-Std
<i>Governmental uses:</i>					
Parks and recreation facilities		P		P	P
Parking structures as accessory to permitted maritime uses on a separate zoning lot			S-Std		
Professional Offices			S-Std		
Restaurant, standard		S-Std	S-Std		S-Std
Retail sales of non maritime-related goods		S-Std	S-Std		
Telecommunications facilities		A-Std	A-Std	A-Std	A-Std
Temporary uses		P-Std	P-Std	P-Std	P-Std
Transient boater services, such as laundry, pool, recreation facilities and sales of convenience items				A-Std	

1

2

¹

This use is permitted only on lots without waterfront frontage as of August 24, 1987.

3

²

This use is permitted in buildings located within one hundred feet of the shoreline, provided that the use does not exceed 25 percent of the gross floor area of the lot.

4

³

In the WMM and WMI districts non water-dependent buildings, structures, or parking are permitted within the 100-foot maritime use setback only if they meet certain bulk requirements. See Division III Chapter 21.46.

5

9/16/2004

1

Amendment R [*This amendment clarifies that as per current practice, parking lot landscaped buffers can go down to 10 feet for all lots, not only lots in residential districts (since this has been staff practice). Second, this deletes the prohibition on parking in transitional yards (since apparently staff do permit parking up to the 10-foot limit).*]

Page V-13, beginning at line 2

21.62.120.G. Buffers and planting

1. Parking lot planting shall be in accordance with *Parking and Landscaping: A Manual of Landscape Standards for Parking Lots*, Department of Planning and Zoning, Revised 1986.
2. Parking lots shall have landscaped buffers in accordance with the following schedule:

Situation	Required minimum landscaped buffer from property line to edge of pavement
Property line buffers	
Parking lots adjacent to residential property lines (except for the C1, and C1A districts):	
15 or fewer spaces:	15 feet
16 or more spaces:	20 feet
Parking lots in residential zoning districts with irregular, confining or other unusual site characteristics:	10 feet

Page V-53, beginning at line 3:

21.66.050 Location of parking spaces

- A. Except for permitted off-site parking facilities, all parking spaces required by this Zoning Code shall be located on the same zoning lot as the building or use served.
- B. Parking in yards:
 1. Except as otherwise specified in this section, off-street parking spaces may be located in any front, side or rear yard.
 2. Off-street parking spaces are not permitted in bufferyards, ~~transitional yards~~, or in waterway yards.

Amendment S *[This amendment replaces the term “parties in interest” that is in the current code with its meaning which is parties with a financial or vested interest in the property.]*

Page II-11, beginning at line 16

21.10.020 Notice Requirements

A. Notice to Abutting Property Owners. If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to abutting property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:

1. The applicant must send written notification to all parties ~~in interest~~ with a financial or vested interest in the property that is the subject of the application and to property owners within 200 feet of the property boundary. Notice of public hearings must be mailed not less than 15 days prior to the date of hearing.

1 **Amendment T** *[This amendment gets rid of redundancy in the section*
2 *establishing the Planning Commission. The stricken language is redundant with*
3 *21.08.030.E.6]*

4

5 **Page II-2, lines 27-30**

6 **21.08.030 Planning Commission**

7 **A. Establishment.** The Planning Commission is established under Article 66B of
8 the Annotated Code of Maryland ~~and is authorized to execute all of the powers~~
9 ~~conferred to planning commissions under Article 66B of the Annotated Code of~~
10 ~~Maryland.~~

9/16/2004

- 1 **Amendment U** *[Reference was made to Chapter 17.32 which was repealed in*
- 2 *1988.]*
- 3
- 4 21.12.010
- 5 On Page II-16, in line 13, strike "17.32" and substitute "17.30"

1 **Amendment V** *[This amendment removes the Planning Commission as the*
2 *deciding body for Major Site design applications as has been suggested by the*
3 *creation of this code. It would make them a recommending body to the Planning*
4 *& Zoning Director.]*

5
6
7 Page II-3 Lines 12-13 21.08.030.E.4

8
9 4. Hear and ~~decide~~ **recommend** major site design plan applications pursuant to
10 the provisions of Zoning Code Chapter 21.22.

11
12 Page II-31, Line 24 21.22.060 – This whole section would need to be changed to
13 reflect proposed duties.

9/16/2004

- 1 **Amendment W** *[In the Board of Appeals duties 21.08.040, the second "C" in the*
- 2 *list should be an "E". This fixes that typo.]*
- 3
- 4 Page II-3, Line 37 21.08.040 Strike C and replace with E

9/16/2004

1 **Amendment X** *[This amendment deals with absences from the Historic*
2 *Preservation Commission. It clarifies that there are no excused absences per*
3 *Title 2)*

4
5 Page II-6, line 5
6 21.08.060.C
7

8 Any ~~unexcused~~ absence of three consecutive meetings shall constitute a
9 vacancy.

1 **Amendment Y** *[This amendment makes Historic Preservation Commission*
2 *review an exception to the provision that encourages simultaneous processing of*
3 *applications.]*

4
5 Page II-11, lines 12-15

6
7 21.10.010.G

8
9 **G. Coordinated Processing of Applications.** If more than one type of
10 application is required pursuant to the Zoning Code, the Planning and Zoning
11 Director will, to the extent possible, simultaneously process applications related
12 to the same proposed development or activity, so long as all Zoning Code
13 requirements for a particular application are satisfied. However, If the proposal
14 requires Historic Preservation Commission approval, that approval will be last.
15

1 **Amendment Z** *[This amendment adds those who commented on an application*
2 *to the list of people who are notified of its outcome.]*

3
4 Page II-13, lines 14-20

5
6 21.10.030.B

7
8 **B. Decision by Planning and Zoning Director.** The Planning and Zoning
9 Director must render a decision to approve, conditionally approve, or deny an
10 application in accordance with the time for decision established by this Code.
11 Unless otherwise specifically provided in Zoning Code Division II, the Planning
12 and Zoning Director will decide an application no later than 30 days after a
13 determination of completeness of the application, unless the applicant consents
14 in writing to additional time. The Director will promptly send written notice of any
15 decision to the applicant and, any other party previously receiving notice of the
16 application and any other party who made written comments which included their
17 name and a valid mailing address.

9/16/2004

1 **Amendment AA** *[This amendment clarifies duties in regards to non-conforming*
2 *uses.]*

3

4 Page II-4

5 21.08.040.C.6

6

7 6. To hear and decide applications for ~~change of~~ physical alteration of a
8 nonconforming use pursuant to the provisions of Chapter 21.68.

9

Amendment BB [O-01-04 requires posting of property that is the subject of an application prior to a public hearing or a public meeting. This amendment would require posting when an application is filed for applications that either can be handled administratively – such as administrative interpretations- or where the Planning and Zoning Director may hold a public meeting or a hearing for good cause – such as for demolition permits.]

On page II-11, after line 16, insert the following:

A. Posting of Property. If the Zoning Code Division II provisions applicable to a specific type of application provide for posting of property, unless specific notice procedures are otherwise provided for in another Zoning Code chapter or section, posting must be done follows:

1. Notice must be posted on the property that is the subject of an application at least 15 days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.

2. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the decision.

On page II-11, in line 17, strike “A.” and substitute “B.”

On page II-11, in line 30, strike “B.” and substitute “C.”

On page II-12, in line 1, strike “C.” and substitute “D.”

On page II-12, in line 11, strike “D.” and substitute “E.”

On page II-20, in line 10, strike “21.10.020A” and substitute “21.10.020.B.”

On page II-20, in line 11, strike “21.10.020B” and substitute “21.10.020.C.”

On page II-25, in line 29, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

On page II-28, in line 29, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

On page II-32, in line 12, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

On page II-32, in line 38, strike “Section 21.10.020A and 21.10.020C” and substitute “Sections 21.10.020.B. and 21.10.020.D.”

On page II-35, in line 5, strike “21.10.020A” and substitute “21.10.020.B.”

On page II-39, in line 29, strike “21.10.020C” and substitute “21.10.020.D.”

On page II-39, in lines 33 and 34, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

On page II-40, in line 13, strike “21.10.020C” and substitute “21.10.020.D.”

On page II-40, in lines 16 and 17, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

On page II-41 in line 8, strike “21.10.020C” and substitute “21.10.020.D.”

On page II-41, in lines 12 and 13, strike “Section 21.10.020A and 21.10.020B” and substitute “Sections 21.10.020.B. and 21.10.020.C.”

1 On page II-41, in lines 31 and 32, strike "Section 21.10.020A and 21.10.020C"
2 and substitute "Sections 21.10.020.B. and 21.10.020.D."

3 On page II-41, in lines 42 and 43, strike "Section 21.10.020A and 21.10.020B"
4 and substitute "Sections 21.10.020.B. and 21.10.020.C."

5 On page II-47, in line 1, strike "Section 21.10.020A and 21.10.020C" and
6 substitute "Sections 21.10.020.B. and 21.10.020.D."

7 On page II-47, in lines 14 and 15, strike "Section 21.10.020A and 21.10.020B"
8 and substitute "Sections 21.10.020.B. and 21.10.020.C."

9 On page II-50, in lines 33 and 34, strike "Section 21.10.020A and 21.10.020B"
10 and substitute "Sections 21.10.020.B. and 21.10.020.C."

11 On page II-53, in line 21, strike "Section 21.10.020A and 21.10.020B" and
12 substitute "Sections 21.10.020.B. and 21.10.020.C."

13 On page II-55, in line 17, strike "Section 21.10.020A and B" and substitute
14 "Sections 21.10.020.B. and 21.10.020.C."

15 On page II-56, in line 35, strike "Section 21.10.020A and B" and substitute
16 "Sections 21.10.020.B. and 21.10.020.C."

17 On page II-57, in line 9, strike "Section 21.10.020B" and substitute "Section
18 21.10.020.C."

19 On page II-59, in line 18, strike "Section 21.10.020B" and substitute "Section
20 21.10.020.C."

21 On page V-67, in line 16 and 17, strike "Section 21.10.020A and 21.10.020B"
22 and substitute "Sections 21.10.020.B. and 21.10.020.C."

23
24 On page II-19 after line 30, insert the following:

25 **B. Posting of Property.** Notice must be posted on the property that
26 is the subject of the application in accordance with the requirements in Section
27 21.10.020.A.

28 On page II-19 in line 31, strike "B." and substitute "C."

29 On page II-20, in line 12, strike "C." and substitute "D."

30 On page II-20, in line 29, strike "D." and substitute "E."

31
32 On page II-23, strike lines 1 through 6 and substitute the following:

33 **21.16.030 Procedures**

34
35 **A.** An application for an interpretation of the Zoning Code shall be filed and
36 reviewed in accordance with the Section 21.10.030 Administrative Procedures for
37 Review of Applications.

38
39 **B.** If the interpretation that is requested applies to a particular property, notice
40 must be posted on the property that is the subject of the application in
41 accordance with the requirements in Section 21.10.020A.

42
43 **C.** The Planning and Zoning Director shall inform the applicant in writing of
44 the Director's decision within 30 days of the determination of completeness of the

1 application and will state the reasons and analysis upon which the determination
2 is based.

3
4 On page II-25 after line 18, insert the following:

5
6 **B. Posting of Property.** Notice must be posted on the property that
7 is the subject of the application in accordance with the requirements in Section
8 21.10.020A

9
10 On page II-25, in line 19, strike "B." and substitute "C."

11
12 On page II-31 after line 39, insert the following:

13
14 **3. Posting of Property.** Notice must be posted on the property that
15 is the subject of the application in accordance with the requirements in Section
16 21.10.020A.

17
18 On page II-32, in line 1, strike "3." and substitute "4."

19 On page II-32, in line 1, strike "4." and substitute "5."

20 On page II-32, in line 1, strike "5." and substitute "6."

21 On page II-32, in line 1, strike "6." and substitute "7."

22
23 On page II-32, after line 33, insert the following:

24
25 **3. Posting of Property.** Notice must be posted on the property that
26 is the subject of the application in accordance with the requirements in Section
27 21.10.020A.

28
29 On page II-32, in line 34, strike "3." and substitute "4."

30 On page II-32, in line 34, strike "4." and substitute "5."

9/16/2004

1 **Amendment CC** *[This amendment is in reference to the procedures for*
2 *demolition permits. It removes the waivers on application elements that the*
3 *Director of Planning & Zoning can give.]*
4

5 Page II-20, lines 39-40
6 21.14.030
7

8 ~~B. **Waivers.** If the Planning and Zoning Director determines that any required~~
9 ~~information is not necessary, the Director may waive any of the application~~
10 ~~submittal requirements.~~
11
12

9/16/2004

- 1 **Amendment DD** *[This amendment corrects a typo in the procedures for*
- 2 *demolition permits. It corrects a numbering problem]*
- 3
- 4 Page II-21, line 25
- 5
- 6 ~~21.14.040~~ **21.14.050** Appeal

9/16/2004

1 **Amendment EE** *[This amendment corrects incorrect numbering in 21.16.]*

2

3 Page II-23, line 7

4 ~~21.16.050~~ **21.16.040** Review Criteria

5

6 Page II-23, line 29

7 ~~21.16.060~~ **21.16.050** Effect of Administrative Interpretations

8

9 Page II-24, line 1

10 ~~21.16.080~~ **21.16.060** Appeals

9/16/2004

1 **Amendment FF** *[This amendment clarifies that the public hearing for*
2 *administrative adjustments is optional.]*

3

4 Page II-25, lines 24-26

5 21.18.020.B2

6

7 2. Staff Report. Any City department reviewing the application will prepare a staff
8 report on the application and transmit the staff report to the Planning and Zoning
9 Director prior to the ~~required~~ public hearing on the application.

9/16/2004

1 **Amendment GG** *[Correct incorrect reference]*

2

3 Page II-26, line12

4 21.18.030.D

5

6 **D. Signs.** To adjust the limitations for signs in the specific instances set forth in
7 section ~~21.70.120~~ 21.70.110.

Amendment HH *[This amendment corrects numbering and reference issues in the Zoning District Boundary Adjustment section. It clarifies that this section regulates Zoning District Boundary Adjustments, not Zoning Map Amendments.]*

21.20

Page II-28, line 6

~~21.20.040~~ Expiration

Page II-28, lines 16, 19, and 34: strike “map adjustment” and include “district boundary adjustment”

Page II-29, line 1

~~21.20.040~~ 21.20.030 Review Criteria and Findings

Page II-29, lines 2, 3, 6: strike “map adjustment” and include “district boundary adjustment”

Page II-29, line 13

~~21.20.060~~ 21.20.040 Appeals

Amendment II *[This amendment makes a public hearing before the Planning Commission required for a major site plan.]*

Page II-13 Table: Summary of Public Meetings and Public Hearings
Correct Planning Commission/Major Site Design Plan cell as follows:

Optional ~~PH~~ PM

PH

Page II-32, lines 10-13
21.22.060.B.4

5. Optional Public Hearing. The Planning Commission ~~may~~ **shall** hold a public hearing on the completed application. The applicant will give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020A and 21.10.020B and any other requirements established by the Planning Commission.

1 **Amendment JJ** *[This amendment deals with the expiration of an approved site*
2 *plan. It clarifies that the original site plan is good for three years as long as*
3 *criteria is met and modifies the extension to one year.]*

4
5 Page II-33, line 26-34

6
7 **21.22.090 Expiration**

8 **A. Expiration.** A site design plan approval shall expire within one year of the
9 date of final site design approval if a building permit is not obtained prior to
10 expiration. If substantial site development has not commenced within a period of
11 three years of the date of final site design plan approval, or in the case of larger
12 developments, each phase of the project as indicated on the site design plan, the
13 site design plan approval shall expire. This represents a total timeframe of three
14 years.

15
16 **B. Extension.** If an extension is requested prior to the expiration of a site design
17 plan approval, at the discretion of the Planning and Zoning Director, a site design
18 plan approval may be extended by the Director for a period not to exceed three
19 one years.

Amendment KK *[This amendment removes this section as it has been superceded by O-7-03 (Moderately Priced Dwelling Units) legislation.]*

Page II-36, line 12

21.24.100 Affordable Housing Density Bonus

Page II-42

21.24.100 Affordable Housing Density Bonus

A. Density Bonus in Residential Planned Developments. For the purpose of promoting the inclusion of affordable housing units within planned developments, subject to the requirements of this section, the Planning Commission may approve a residential planned development with a density of up to ten percent greater than the density standard set forth above in Section 21.24.050B. However, the total possible density increase may not be granted if such increase in density would result in an adverse impact to adjoining properties or the character of the adjacent land uses.

B. Guidelines. The Planning Commission may adopt standards and guidelines not inconsistent with this section to implement these provisions.

C. Affordability Period. The affordable units will remain available to persons or families of low and moderate income for a period of not less than 20 years.

D. Location of Affordable Units. The units affordable by persons of low and moderate income shall:

1. Be interspersed throughout the development.
2. Not be located in an area clearly less attractive than the balance of development in terms of proximity to undesirable land uses, physical features of the area, or other factors, or in terms of accessibility to recreational facilities, public transportation or other amenities.
3. Be located so that they are immediately contiguous, without substantial man-made or natural barriers to other market rate units.
4. Be identified and described on planned development plans.

E. Affordability Requirements. Affordable units must meet the following affordability requirements:

1. At least 10 percent of the total number of dwelling units to be constructed within the planned residential development must be affordable for rent by persons of lower income, who are either eligible for or participate in local, state or federal housing assistance programs.
2. For the purposes of this section, "lower income" is defined as 50 percent of median income or less according to family size for the city. A dwelling unit determined to be affordable by lower income families shall have a rent (including utilities or a reasonable allowance for utilities) not to exceed 30 percent of 50 percent of median family income.
3. While the units qualifying the properties for the density bonus must be affordable by families earning 50 percent of median income or less, units may be

9/16/2004

- 1 ~~rented to families with incomes earning between 50 percent and 80 percent of~~
- 2 ~~local median income.~~

1 **Amendment LL** *[This amendment clarifies that the Director of Planning & Zoning*
2 *may allow modifications for accessory uses and structures only in residential*
3 *planned developments.]*

4
5 Page II-44, lines 37-39
6 21.24.140.B
7

8 **B. Modifications to Allow Accessory Uses and Structures.** The Planning and
9 Zoning Director may authorize the development of accessory uses or structures
10 as a minor modification to an approved residential planned development plan as
11 follows:

1 **Amendment MM** *[This amendment clarifies that the Planning Commission holds*
2 *a public hearing, not a public meeting on Special Exception applications.]*

3
4 Page II-46, line 34 to Page II-47 line 3
5 21.26.030.B.2/3
6

7 **2. Staff Report.** Following review of any special exception application, the
8 Planning and Zoning Director and any other city department reviewing the
9 application will prepare a staff report on the application and transmit the staff
10 report to the Planning Commission prior to the required Planning Commission
11 public ~~meeting~~ **hearing** on the application.
12

13 **3. Public Meeting ~~Meeting~~ **Hearing**.** The Planning Commission will consider the
14 application at a regular monthly public meeting. Notice of the public ~~meeting~~
15 **hearing** must be given by the applicant in accordance with the notice
16 requirements set forth in Section 21.10.020A and 21.10.020C. At this ~~meeting~~
17 **hearing** the Planning Commission shall accept evidence and testimony as it may
18 judge to be relevant to the proper consideration of the case.

Amendment NN *[This amendment corrects numbering errors in 21.28]*

Page II-50, lines 6-9

~~21.28.030~~ **21.28.040** Permitted Variances
~~21.28.040~~ **21.28.050** Review Criteria and Findings
~~21.28.050~~ **21.28.060** Expiration
~~21.28.060~~ **21.28.070** Appeals

Page II-51, line 32

~~21.28.040~~ **21.28.050** Review Criteria and Findings

Page II-52, line 18

~~21.28.050~~ **21.28.060** Expiration

Page II-52, line 25

~~21.28.060~~ **21.28.070** Appeals

1 **Amendment OO** *[This amendment concerns variances to the number of stories*
2 *a building has. It was noted that the language that provides for a 35 foot limit*
3 *creates ambiguity for lower height limits in the Historic District. The amendment*
4 *takes out 35 feet and refers you to the underlying zone or height district.]*

5
6 Page II-51, lines 25-26
7 21.28.040.E

8
9 E. To allow in the case of single-family detached dwellings in any residential
10 zoning district, a building height of three stories, provided that the height does not
11 exceed 35 feet that of the underlying zoning or height districts.

1 **Amendment PP** *[This amendment corrects language referring to how Violation*
2 *Orders are issued. The process set out in O-26-03 provides for the Director of*
3 *Planning & Zoning to determine that there is a violation and direct the Director of*
4 *Neighborhood and Environmental Programs to carry out the enforcement.]*

5
6 Page II-59, lines 23-30

7
8 **21.36.020 Violation Orders**

9 The Director of ~~Neighborhood and Environmental Programs~~ **Planning & Zoning**,
10 upon finding a building, premises, or a part of a building or premises used or
11 occupied in violation of any provision of the Zoning Code, shall **direct the Director**
12 **of Neighborhood and Environmental Programs** to order such illegal use or
13 occupancy terminated. When in the opinion of the Director of Neighborhood and
14 Environmental Programs the termination of said illegal use or occupancy can
15 only be insured through vacation of said building, premises, or part thereof, the
16 Director may order the owner or the occupant or both to vacate said building,
17 premises, or part of said building or premises which is being illegally used or
18 occupied.

1 **Amendment QQ** *[This amendment clarifies that a use had to be lawfully existing*
2 *on the date of adoption to continue to be lawfully existing even if rendered non-*
3 *conforming.]*

4
5 Page III-2, lines 15-19
6 21.38.020.B.2
7

8 **B. Use of land.** No building or tract of land shall be devoted to any use other
9 than those listed in subsection of this section with the exception of the following:

- 10
11 1. Uses lawfully established on the date of adoption of this Zoning Code, and
12 2. Uses already lawfully established on or before the date of adoption of this
13 Zoning Code and rendered nonconforming by it. These uses are subject to
14 Chapter 21.68.

9/16/2004

1 **Amendment RR** *[This amendment prohibits the use of a tent for long term*
2 *storage]*

3
4 Page III-2, line 29

5 21.38.020.F

6
7 **F. Tents.** No tent may be erected, used or maintained for living quarters or long
8 term storage.

Amendment SS *[In zones where the parking requirements can be waived the current language in those sections refers to the “design objectives” of the zone as a guiding factor. However, it was felt that the purpose clause of the zone encapsulated that sentiment more appropriately and should be referred to instead. The zones that this relates to are: R2-NC, R3-NC2, R3-R, R4-R, BR, MX]*

Page III-11, line 37- Page III-12, line 2
21.40.060.D

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the ~~design objectives~~ purpose of the district.

Page III-15, lines 22-26
21.40.090.D

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the ~~design objectives~~ purpose of the district.

Page III-16, lines 30-34
21.40.100.D

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the ~~design objectives~~ purpose of the district.

Page III-18, lines 19-23
21.40.120.D

D. Additional standards

Administrative adjustment to residential off-street parking. The Planning and Zoning Director may waive the residential off-street parking requirement, pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the provision of this parking will jeopardize the ~~design objectives~~ purpose of the district.

9/16/2004

1 **Amendment TT** *[This provision is outdated and has no relevant purpose.]*

2

3 Page III-21, lines 21-23

4

5 ~~C. Where the front, side or rear lot line of a lot adjoins a public open space which~~
6 ~~is at least two acres in area and of a depth perpendicular to the lot line of not less~~
7 ~~than 200 feet, the floor area ratio set forth in the bulk regulations tables may be~~
8 ~~increased by 15 percent.~~

Amendment UU *[This amendment clarifies language]*

Page 24, lines 1-3

21.42.050.C.2.e.i

i. The variation between the height of a new building and the height of adjacent buildings **within 30 feet** should not vary by more than one story ~~within 30 feet~~ from any existing adjacent building.

Page 25, lines 1-3

21.42.060.C.2.e.i

i. The variation between the height of a new building and the height of adjacent buildings **within 30 feet** should not vary by more than one story ~~within 30 feet~~ from any existing adjacent building.

Amendment VV *[This amendment corrects numbering]*

Page III-27, lines 23-27

21.42.080.D

D. Additional standards

1. All business, servicing or processing in the C2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

~~3.~~ **2.** Food service establishment restrictions apply in the C2 district, see Section 21.64.260.

~~4.~~ **3.** Off-street loading spaces are not required in the C2 district.

9/16/2004

1 **Amendment WW** *[Correct grammatical error.]*

2

3 Page III-32, lines 12-15

4 21.44.030.D.1

5

6 **1. Parking requirements for changes of use.** Notwithstanding the
7 requirements of 21.66.030.G., when the existing use of a building or structure is
8 changed to a new use, parking and loading facilities are mandatory ~~ir~~regardless
9 regardless of the date when the building or structure was erected.

9/16/2004

1 **Amendment XX** *[This amendment removes Inns as a use in R1-A and R1-B]*

2

3 Page III-41

4 **Table of Uses - Residential Zoning Districts**

5

6 Row: Inns

7 Columns: R1-A and R1-B

8 Strike "S-std"

Amendment YY *[This amendment removes drive-through facilities from the C2A and includes them in the PM2 as a use permitted subject to standards. Both reflect current development.]*

Table of Uses - Commercial and Industrial Zoning Districts

Page III-43

Row: Drive-through facilities associated with permitted or special exception uses
Column: C2A
Strike "S"

Table of Uses – Office and Mixed Use Zoning Districts

Page III-46

Add Row for: Drive-through facilities associated with permitted or special exception uses
Column: PM2
Add "P-std"
(leave other columns blank)

Amendment ZZ *[This amendment deals with sidewalk cafes. It includes them in all Commercial and Industrial Districts except for C2A and includes them also in P and PM. In addition, the amendment fixes a typo in a later section that refers to sidewalk cafes.]*

Table of Uses - Commercial and Industrial Zoning Districts

Page III-45

Row: Sidewalk Cafes

Columns: B1, B2, B3, B3-CD, BCE, BR, C2, PM2, I1

Add "P-std"

(Note: Leave C2A blank)

Table of Uses – Office and Mixed Use Zoning Districts

Page III-48

Row: Sidewalk Cafes

Columns: P, PM

Add "P-std"

(Note: MX remains P-std and C2P remains blank)

Page V-45, lines 26-27

21.64.560 Sidewalk cafes

A. ~~Standard restaurants~~ Sidewalk cafes are subject to the general standards for Food and beverage-related uses.